

BEFORE THE DEPARTMENT OF
NATURAL RESOURCES AND CONSERVATION
OF THE STATE OF MONTANA

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IN THE MATTER OF THE APPLICATION)
FOR BENEFICIAL WATER USE PERMIT) ORDER TERMINATING
NO. 60074-s76L BY M. G. MOSS) APPLICATION

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The Applicant in the above-entitled matter did not appear at the scheduled hearing on January 9, 1989, in person or by representation, and therefore is in default.

Although the Applicant requested an indefinite continuance in this matter (see letter from M.G. Moss received on December 27, 1988), good cause for a continuance was not shown. Administrative Rules of Montana 36.12.222, 36.12.208. Rather, the Applicant indicated that he does not currently need the permit in this matter because he has a claimed secretarial water right for the proposed place of use. Therefore, the Applicant's request for continuance was denied (January 5, 1989 Denial of Request for Continuance), and the Applicant was contacted by telephone by two members of the Missoula Water Rights Bureau Office to ensure he received timely notification. (See January 5, 1989 memorandum by Lee Yelin; January 17, 1989 Affidavit by Michael McLane.)

CASE # 60074

WHEREFORE, IT IS HEREBY ORDERED, that Application for Beneficial Water Use Permit No. 60074-s76L is dismissed without prejudice.

Dated this 19th day of January, 1989.


Peggy A. Elting, Hearing Examiner
Department of Natural Resources
and Conservation
1520 East 6th Avenue
Helena, Montana 59620-2301
(406) 444-6612

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Order Terminating Application was duly served upon all parties of record, certified mail, return receipt requested, at their address or addresses this 19th day of January, 1989, as follows:

M.G. Moss
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Sally Martinez
Secretary